IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2683 of 2006

MANDAL DUTT JOSHI
V/S
STATE & ORS.

Mr. NM VYAS, for the appellant / petitioner

Date of Order : 24.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

This petition has been filed against the order (Annex.10), whereby the appeal of the petitioner had been dismissed, which was filed against the order (Annex.8) in this writ.

A look at Annex.8 shows that, that was passed, in compliance of the interim stay order of the Tribunal, passed in appeal No.1340/05.

Admittedly, the petitioner is a party-respondent in that appeal, and that appeal is still pending, and in that appeal, the petitioner has already filed an application for vacating the stay. It is in this

background, that Annex.10 has been passed, on the ground, that as the order, present Annex.8 has been passed in compliance of the stay order of the Tribunal, and that order is subject to ultimate decision of the appeal No.1340/05, that is not required to be interfered with in appeal.

In my view, the Tribunal was right in not entertaining any appeal against the order, present Annex.8. Obviously, it has been made clear by the Tribunal that the order, present Annex.8 is already subject to decision of the appeal No.1340/05.

In that view of the matter, I do not find any sufficient ground to entertain the present writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/